

Application Number 10/621,828
Amendment Dated July 30, 2004
Reply to Office Action of May 10, 2004

Remarks

Claims 1-5 are rejected under 35 U.S.C 103(a) as unpatentable over Huff in view of LaCroix et al (hereinafter LaCroix).

Applicant does not comprehend the remark "as presently understood" in the rejection since no §112 rejections are found. Clarification is required.

The examiner states:

"The Huff reference discloses a hanging wall table or tray for swimming pools. The tray includes a horizontal platform (at 14) having grooves or perforations (at 60) for allowing water drainage. The tray also includes a base (at 20) engaged to the platform. The base further includes a first pair of legs (at 18), each having a hook (at 38) thereon for engaging a lip of the pool (Fig. 1), and a second pair of legs (at 48,50) angulated downwardly from the platform to end resting against a sidewall (at 26) of the pool.

The Huff reference DIFFERS in that the platform does not include an upstanding rim as claimed. Attention, however, is directed to the LaCroix et al. reference which discloses another hanging tray (at 22) having an upstanding peripheral rim (at 32) for protection of tray contents. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Huff reference by employing an upstanding peripheral rim, in view of the teaching of LaCroix et al., in order to prevent contents from falling in the event of tray tipped or bumped.

Regarding claim 2, the Huff reference also DIFFERS in that it does not specifically include a cover as claimed. Attention, however, is also directed to the LaCroix et al. reference which discloses another hanging tray (at 22) having a lid or cover (at 34) for covering the content of the tray. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Huff reference by employing a cover, in view of the teaching

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of LaCrix et al., in order to cover and prevent contents from falling in the event of tray physically is disturbed. Regarding the recitation "removable cover", the cover (at 34) is capable of being removed by disconnecting the attached mechanism (at 38).

Regarding claim 3, the Huff references also DIFFERS in that it does not specifically include a cover as claimed. Attention, however, is also directed to the LaCrix et al. reference which discloses another hanging tray (at 22) having a lid or cover (at 34) for covering the contents of the tray. As schematically shown in Figure 14, the cover is hinged via a hinge (at 38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Huff reference by employing a cover, in view of the teaching of LaCrix et al., in order to cover and prevent contents from falling in the event of tray is physically disturbed.

Regarding claim 4, claim 4 is the combination of claims 1 and 2 that are rejected as discussed above.

Regarding claim 5, claim 5 is the combination of claims 1 and 3 that are rejected as discussed above."

First of all, Huff discloses grooves 60 - not perforations. There is no way for water to escape from within the grooves of Huff's device except to overflow them. A groove is not equivalent to a perforation in any way, shape or form.

LaCrix deals with a folding chair tray - it is not for use in a fluid contacting environment. The fact that it has an upstanding lip does not make applicant's lip obvious inasmuch as there is no suggestion or motivation to make such combination.

Further, since Huff only has grooves, a lip therearound would cause water to collect on the Huff platform, to the detriment of items such as a telephone supported thereon.

Only applicant can have a lip because of the perforations.

Claims 2 and 3 depend from claim 1 and incorporate the limitations thereof. They cannot be obvious inasmuch as the

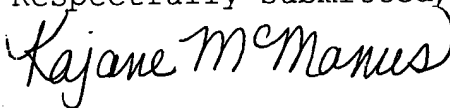
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structure of Claim 1 can in no way, shape or form be obvious by the unworkable combination proposed by the Examiner.

Regarding rejection of claims 4 and 5, since these combination claims include the limitations of claim 1 they are also patentable over the art.

Hindsight reconstruction to fill applicant's mold with an unworkable combination as proposed by the Examiner is not allowed.

All rejections having been traversed, allowance is awaited.

Respectfully submitted,


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